

### **REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

#### **I. CLAIM STATUS AND AMENDMENTS**

Claims 1-27, 29 and 33-36 were pending in this application when last examined.

Claims 1, 2 and 35 were examined on the merits and stand rejected.

Claims 3-27, 29, 33, 34 and 36-46 were withdrawn as non-elected subject matter.

Applicants reserve the right to file a Continuation or Divisional Application on any non-elected subject matter.

Claims 1, 2 and 35 are amended.

Claim 1 is amended to require the full-length amino acid sequence of SEQ ID NO: 6 retaining a consensus Arg-Gly-Asp motif, and having an integrin binding activity selected from the group consisting of  $\alpha v \beta 3$ ,  $\alpha v \beta 5$  and  $\alpha 9 \beta 1$ . Support for this amendment can be found on page 63, line 20 to page 64, line 1, of the specification as filed.

Claims 1, 2 and 35 are amended to clarify the claimed invention and to correct informalities.

No new matter has been added.

#### **II. INFORMATION DISCLOSURE STATEMENT**

Enclosed is a 1449 Form in compliance with 37 C.F.R. 1.98(a)(1)(ii)(b)(5) citing the references from the Information Disclosure Statement of September 17, 2007 in proper format. Consideration of these references is respectfully requested.

#### **III. FOREIGN PRIORITY**

Enclosed is an English translation of priority document JP 2004/096685. Applicants note that the subject matter of claims 1 and 35 are disclosed in paragraphs [0019]-[0021] in such priority document. Applicants respectfully request the Examiner to acknowledge priority.

#### **IV. NON-STATUTORY SUBJECT MATTER REJECTION**

On page 4 of the Office Action, claims 1, 2 and 35 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Without acquiescence to the correctness of the rejection and merely to expedite prosecution, claim 1 is amended to recite "An isolated polypeptide". Thus, this rejection is untenable and should be withdrawn.

#### **V. INDEFINITENESS REJECTION**

On pages 4-5 of the Office Action, claims 2 and 35 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. This rejection is overcome, as applied to the amended claims, for reasons which are self-evident.

#### **VI. ENABLEMENT REJECTION**

On pages 5-8 of the Office Action, claim 1, 2 and 35 were rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicants respectfully traverse this rejection as applied to the amended claims. It is noted that claim 1 is now directed towards a polypeptide which consists of an amino acid sequence having 90% or more amino acid sequence identity to the full length amino acid sequence of SEQ ID NO: 6 retaining a consensus Arg-Gly-Asp motif, and having an integrin binding activity selected from the group consisting of  $\alpha v\beta 3$ ,  $\alpha v\beta 5$  and  $\alpha 9\beta 1$ . Applicants assert that the present specification and Nakamura et al. (Nature, vol. 415, pp. 171-175, 2000, of record) provide enablement for such a polypeptide and therefore this rejection is overcome.

#### **VII. WRITTEN DESCRIPTION REJECTION**

On page 8 of the Office Action, claims 1, 2 and 35 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

As noted above, claim 1 is amended to recite a polypeptide which consists of an amino acid sequence having 90% or more amino acid sequence identity to the full length amino acid sequence of SEQ ID NO: 6 retaining a consensus Arg-Gly-Asp motif, and having an integrin binding activity selected from the group consisting of  $\alpha v\beta 3$ ,  $\alpha v\beta 5$  and  $\alpha 9\beta 1$ . Applicants respectfully note that in view of the specification, in particular the results in Reference Example

1, and in view of Nakamura et al. (as cited above) the specification shows that Applicants had possession of the claimed invention. Thus, this rejection is untenable and should be withdrawn.

#### **VIII. OBVIOUSNESS REJECTION**

On page 9 of the Office Action, claims 1, 2 and 35 were rejected under 35 U.S.C. § 103(a) as obvious over Kowal et al. Applicants respectfully traverse this rejection as applied to the amended claims.

In particular, it is noted that the Office had interpreted previously pending claim 1 to include dipeptides and therefore indicated that Kowal et al. disclosed an EGF-like repeat of rat DANCE having 37% identity with residues 4-45 of SEQ ID NO: 6. However, such peptide fails to meet or suggest the current limitation of claim 1 which requires 90% or more amino acid sequence identity to the full length amino acid sequence of SEQ ID NO: 6 retaining a consensus Arg-Gly-Asp motif, and has an integrin binding activity selected from the group consisting of  $\alpha v \beta 3$ ,  $\alpha v \beta 5$  and  $\alpha 9 \beta 1$ . Thus, this rejection is untenable and should be withdrawn.

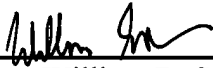
**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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**ATTACHMENTS**

**A. Substitute Abstract**